

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**MIKHAIL VENIKOV,**

**Plaintiff,**

**v.**

**THURMAN USED CARS, et al.,**

**Defendants.**

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**NO. 2:17-cv-00030**

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 40) recommending that Mikhail Venikov’s Motion for Default Judgment As to Thurman’s Used Cars and Robert Joshua Thurman Pursuant to Federal Rule Civil Procedure 55 (Doc. No. 25) be denied without prejudice as to Thurman’s Used Cars, denied with respect to Robert Thurman, and any default against Robert Thurman be set aside. (Doc. No. 40 at 1.) Venikov has not filed any objection to the Magistrate Judge’s Report and Recommendation. Defendants have filed a “Reply to Report and Recommendation,” essentially asking the Court to adopt the Report and Recommendation and set aside any default against them. (See Doc. No. 43.)

Upon *de novo* review in accordance with Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition because, given the strong preference for termination of cases on the merits, equitable factors exist for setting aside any entry of default against Defendants. Accordingly, the Magistrate Judge’s Report and Recommendation is **APPROVED AND ADOPTED**, and Venikov’s Motion for Default Judgment (Doc. No. 25) is **DENIED WITHOU PREJUDICE** as to Thurman’s Used Cars and **DENIED** with respect to Robert Thurman. Any default entered against Robert Thurman is hereby **SET ASIDE**.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE